

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

MICHAEL JON SIMPSON  
PLAINTIFF

VS.

JAMES McPARLIN, et al.  
DEFENDANTS

2004 DEC -3 P 3:11  
CIVIL ACTION No.:

U.S. DISTRICT COURT  
DISTRICT OF MASS.

VERIFIED CIVIL COMPLAINT  
WITH JURY TRIAL DEMAND

PURSUANT TO THE PROVISIONS OF FEDERAL LAW,  
REGARDING THE REMOVAL OF ACTIONS FROM STATE COURT,  
AND RE-FILED IN U.S. DISTRICT COURT - NAMELY THE  
AUTHORITY OF TITLE 28 UNITED STATES CODE § 1446,  
PLAINTIFF IN ABOVE ENTITLED (AND NUMBERED) INSTANT  
CASE, PETITIONS NOW THIS COURT TO ACCEPT HIS CIVIL  
ACTION FOR FILING, DUE TO CONSPIRACY AND INTRINSIC  
AND EXTRINSIC FRAUD IN DENYING HIM HIS REMEDY AT  
LAW, IN THE STATE COURT BELOW.

JURISDICTION

JURISDICTION, IS CONFERRED UPON THIS COURT BY  
TITLE 28 U.S.C. § 1331, § 1343, § 1367, AND § 1446.

VERIFICATION

THE ATTACHED TWELVE PAGES CONSTITUTE THE ORIGINAL  
COMPLAINT, FILED IN THE STATE COURT BELOW, HERE AGAIN  
SIGNED AND MAILED UNDER THE PAINS AND PENALTIES OF  
PERJURY THIS 25th DAY OF NOVEMBER, 2004.

RESPECTFULLY SUBMITTED, IN PROPRIA  
PERSONA

Michael Jon Simpson  
MICHAEL JON SIMPSON

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

~~XXXXXXXXXXXXXXXXXXXX~~  
CIVIL ACTION NO.

~~XXXXXXXXXX~~  
\_\_\_\_\_  
MICHAEL JON SIMPSON )

Plaintiff )

vs. )

CORRECTIONAL OFFICER )  
JAMES MCPARLIN, )  
LIEUTENANT PETER )  
GARIEPY, and SERGEANT )  
SCOTT PETERSEN )

Defendants )  
\_\_\_\_\_ )

VERIFIED CIVIL

COMPLAINT AND JURY DEMAND

Plaintiff, Michael Jon Simpson, brings this civil rights action for money damages against three officers employed at the Massachusetts Correctional Institution Cedar Junction for their roles in assaulting and battering him in violation of his rights under federal and state law.

THE PARTIES

1. Plaintiff Michael Jon Simpson ("Mr. Simpson") is a natural person who at all times relevant hereto was incarcerated at the Massachusetts Correction Institute Cedar Junction in Walpole, Massachusetts ("MCI-CJ").
2. Defendant Correctional Officer James McParlin ("Officer McParlin") at all times

relevant hereto was a correctional officer at MCI-CJ and was acting under the color of state law. He is being sued in his individual capacity, as a natural person.

3. Defendant Lieutenant Peter Gariepy ("Lieutenant Gariepy") at all times relevant hereto was a correctional officer at MCI-CJ and was acting under the color of state law. He is being sued in his individual capacity, as a natural person.
4. Defendant Sergeant Scott Petersen ("Sergeant Petersen") at all times relevant hereto was a Sergeant at MCI-CJ and was acting under the color of state law. He is being sued in his individual capacity, as a natural person.

#### JURISDICTION

5. This action seeks money damages and is brought under 42 U.S.C. §§ 1983, 1985 and 1988, the Fifth, Eighth and Fourteenth Amendments to the United States Constitution, Article XXVI of the Massachusetts Declaration of Rights, M.G.L. c. 12 § 11I and state tort law. **TITLE 28 U.S.C. §§'s 1331, 1343, 1367, AND 1446.**

#### FACTS

6. On November 27, 2001, at approximately 3:40 p.m., Mr. Simpson left his cell to go to the second tier of his unit for a shower.
7. At that time, and following standard procedure, Sergeant Petersen was seated at the Officer's desk in the Modular Unit and Officer McParlin was standing inside the Officer's Station, which is enclosed by bulletproof glass.
8. Mr. Simpson believed Officer McParlin had been tampering with his personal and

- legal mail and had in the past asked Officer McParlin to stop this practice.
9. Mr. Simpson had also reported, to members of the MCI-CJ staff, that Officer McParlin was withholding his mail unnecessarily, opening it, reading it and tormenting and harassing him about it.
  10. As Mr. Simpson passed the Officer's Station, he asked Officer McParlin to stop tampering with his mail. Mr. Simpson then proceeded to the shower.
  11. At some point, Sergeant Petersen and Officer McParlin changed stations, so that Sergeant Petersen was in the Officer's Station and Officer McParlin was stationed at the Officer's desk in the unit.
  12. This occurrence was unusual, as Sergeant Petersen's regular station was at the Officer's Desk and Officer McParlin's was in the Officer's Station.
  13. After Officer McParlin and Sergeant Petersen changed places, Officer McParlin proceeded to the second tier.
  14. Just as Mr. Simpson was about to get into the shower, Officer McParlin approached him.
  15. At that point, Mr. Simpson asked Officer McParlin to stop tampering with his mail and Officer McParlin told Mr. Simpson to talk to him when he was done with his shower.
  16. Minutes later, while Mr. Simpson was on his way back to his cell, wearing only scrub pants, flimsy shower shoes, and carrying his dirty clothes, a towel and soap,

Officer McParlin got up from the Officer's Desk, where he was then seated, and began to approach Mr. Simpson.

17. Mr. Simpson attempted to avoid Officer McParlin, but Officer McParlin came up behind Mr. Simpson and yelled "why don't you say something now?" and "you rat . . . you snitched me out!"
18. Mr. Simpson responded by telling Officer McParlin that he would institute criminal charges if Officer McParlin did not stop tampering with his mail. Officer McParlin then punched Mr. Simpson in the face and pushed him down on the metal table that was in the middle of the unit.
19. Officer McParlin then knocked Mr. Simpson to the floor, pinned him down and began kneeling and punching him repeatedly.
20. When the other officers noticed the assault, they entered the unit.
21. Officer McParlin had to be pulled off Mr. Simpson. The officers then took both Mr. Simpson and Officer McParlin out of the unit.
22. Once Mr. Simpson was escorted outside the unit, Lieutenant Gariepy further assaulted Mr. Simpson by bashing his head against the cement block wall and pushing another officer out of the way so he could forcibly tightened leg irons around Mr. Simpson's ankles, an action that caused open gashes in both his ankles that bled and caused severe bruising and swelling, which left disfiguring scars.
23. As a result of this beating by Officer McParlin and Lieutenant Gariepy, Mr.

Simpson sustained severe bruising to both eyes; a laceration to the orbital of his right eye, which has left him permanently disfigured with a scar above his right eye socket and eyebrow; scleral hemorrhages in both eyes; lacerations to his face; bruising to his chest; lacerations, which left scars and severe bruising and swelling to his ankles; and extreme emotional anguish.

24. After the incident, Sergeant Petersen wrote and filed an incident report in which he falsely stated that he observed Mr. Simpson "attempt to assault Officer McParlin by raising his fists in a threatening manner. Officer McParlin then instinctively and in self defense struck inmate Simpson."

**COUNT I: CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983**

25. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 24 above.
26. Plaintiff filed an internal grievance with MCI-CJ on December 10, 2001, which was accepted on December 11, 2001 and assigned a grievance number and forwarded to the Superintendent for investigation. The prison has not taken any action on this grievance report in the nine months since it was filed, which, in effect, constitutes a denial of the grievance.
27. Defendants McParlin and Gariepy were at all times acting under the color of state law.
28. Defendants McParlin and Gariepy used force against the plaintiff unnecessarily

and wantonly and not for the purpose of maintaining security, but rather to cause pain to a prisoner in their custody.

29. By their actions, defendants deprived the plaintiff of his clearly established right of which a reasonable person would have been aware to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution and Article XXVI of the Massachusetts Declaration of Rights.

Plaintiff seeks redress in the form of damages for the injuries set forth herein under 42 U.S.C. §1983.

30. In using cruel and unusual punishment, the defendants acted knowingly, willfully, maliciously, intentionally and sadistically.

31. As a direct and proximate cause of defendants' actions, the plaintiff suffered injuries as are described above.

**COUNT II: CONSPIRACY TO VIOLATE CIVIL RIGHTS UNDER 42 U.S.C. § 1983**

32. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 31 above.

33. Plaintiff filed an internal grievance with MCI-CJ on December 10, 2001, which was accepted on December 11, 2001 and assigned a grievance number and forwarded to the Superintendent for investigation. The prison has not taken any action on this grievance report in the nine months since it was filed, which, in

effect, constitutes a denial of the grievance.

34. Defendants Petersen and McParlin were at all times acting under the color of state law.
35. Defendants Petersen and McParlin conspired to allow McParlin to use force against the plaintiff unnecessarily and wantonly and not for the purpose of maintaining security, but rather to cause pain to a prisoner in their custody. Defendants Petersen and McParlin also violated plaintiff's rights by conspiring to falsify the incident report.
36. By their actions, defendants deprived the plaintiff of his clearly established right of which a reasonable person would have been aware to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution and Article XXVI of the Massachusetts Declaration of Rights. Plaintiff seeks redress in the form of damages for the injuries set forth herein under 42 U.S.C. §1983.
37. In conspiring to use cruel and unusual punishment, the defendants acted knowingly, willfully, maliciously, intentionally and sadistically.
38. As a direct and proximate cause of defendants' actions, the plaintiff suffered injuries as are described above.



**COUNT III: CONSPIRACY TO VIOLATE CIVIL RIGHTS UNDER 42 U.S.C. § 1985**

39. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 38 above.
40. Plaintiff filed an internal grievance with MCI-CJ on December 10, 2001, which was accepted on December 11, 2001 and assigned a grievance number and forwarded to the Superintendent for investigation. The prison has not taken any action on this grievance report in the nine months since it was filed, which, in effect, constitutes a denial of the grievance.
41. Defendants Petersen and McParlin were at all times acting under the color of state law.
42. Defendants Petersen and McParlin conspired to allow McParlin to use force against the plaintiff unnecessarily and wantonly and not for the purpose of maintaining security, but rather to cause pain to a prisoner in their custody. Defendants Petersen and McParlin also violated plaintiff's rights by conspiring to falsify the incident report.
43. By their actions, defendants deprived the plaintiff of his clearly established right of which a reasonable person would have been aware to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution and Article XXVI of the Massachusetts Declaration of Rights.

Plaintiff seeks redress in the form of damages for the injuries set forth herein under 42 U.S.C. §1985.

44. In conspiring to use cruel and unusual punishment the defendants acted knowingly, willfully, maliciously, intentionally and sadistically.
45. As a direct and proximate cause of defendants' actions, the plaintiff suffered injuries as are described above.

**COUNT IV: CIVIL RIGHTS VIOLATION UNDER ARTICLE XXVI OF THE DECLARATION OF RIGHTS OF THE MASSACHUSETTS CONSTITUTION**

46. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 45 above.
47. Defendants McParlin and Gariepy used force against the plaintiff unnecessarily and not for the purpose of maintaining security but rather to cause pain to a prisoner in their custody.
48. By their actions, defendants deprived the plaintiff of his clearly established right of which a reasonable person would have been aware to be free from cruel and unusual punishment.
49. In using cruel and unusual punishment the defendants acted knowingly, willfully, maliciously, intentionally and sadistically.
50. As a direct and proximate cause of defendants' actions, the plaintiff suffered injuries as are described above.

**COUNT V: CIVIL RIGHTS VIOLATION UNDER M.G.L. C. 12, § 11I**

51. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 50 above.
52. By abusing their authority as correctional officers and beating and injuring the plaintiff, the defendants McParlin, Gariépy and Petersen engaged in threats, intimidation and coercion in order to deprive the plaintiff of rights, which a reasonable person would have known were clearly established by the Constitution of the United States, by the Massachusetts Declaration of Rights, and by the laws of the Commonwealth, including, but not limited to:
  - A. Freedom from cruel and unusual punishment;
  - B. Freedom from intimidation;
  - C. Freedom from retaliation for filing grievances and reporting the tampering with legal and personal mail; and
  - D. The right to engage in speech which does not threaten any legitimate penological interest.
53. As a direct and proximate cause of defendants' actions, the plaintiff suffered injuries as are described above.

**COUNT VI: ASSAULT AND BATTERY**

54. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 53 above.

55. Defendants McParlin and Gariepy committed assault and battery upon the plaintiff.
56. As a direct and proximate result of these actions by the defendants, plaintiff suffered injuries as described above.

**COUNT VII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

57. Plaintiff incorporates and realleges the allegations in paragraphs 1 through 56 above.
58. Defendants McParlin, Gariepy and Petersen behaved outrageously in intentionally battering the plaintiff and falsifying the incident report.
59. No civilized community tolerates such acts of summary punishment by correctional officers against helpless persons in their custody.
60. Defendants behaved intentionally and outrageously in inflicting pain, fear and humiliation upon the plaintiff.
61. As a direct and proximate result of these defendants' actions, the plaintiff suffered injuries described above.

WHEREFORE, plaintiff demands TRIAL BY JURY on all issues so triable in this action, and further demands JUDGMENT against the defendants as follows:

- I. For compensatory damages;
- II. For punitive damages;
- III. For reasonable attorneys' fees, together with costs and disbursements

pursuant to 42 U.S.C. §1988 and M.G.L. c. 12, §11I; and

IV. For such other and further relief as this Court deems just and proper under the circumstances.

VERIFICATION

SIGNED AND MAILED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 25th DAY OF NOVEMBER, 2004.

Michael Jon Simpson

MICHAEL JON SIMPSON  
#W-56706; P.O. BOX 100  
M.C.I. - CEDAR JUNCTION  
WALPOLE, MASSACHUSETTS  
02071-0100

RESPECTFULLY SUBMITTED,  
IN PROPRIA PERSONA,

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\* ENCLOSED : 7 (SEVEN) PAGES OF GRIEVANCES (No.s : 01-554; 04-3120; 04-3122), APPEALS FROM GRIEVANCE DENIALS, AND LETTERS OF WARDENS, AS TO HAVING EXHAUSTED AVAILABLE ADMINISTRATIVE REMEDIES.

\* ALSO ENCLOSED :

- CIVIL COVER SHEET (JS-44)
- CIVIL CATEGORY FORM
- I.F.P. FORM (AO 240)
- PRISONER'S STATEMENT OF ACCOUNT

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name SIMPSON MICHAEL J Grievance# 3120 Institution MCI CEDAR JUNCTION

Commit No. W56706 Housing TEN BLOCK Date Of Incident 20011127 Date Of Grievance 20040313

Complaint Conspiracy to commit assault and battery and falsifying reports, against me, by Sgt. Scot Petersen, as set forth in attached complaint; was never adequately investigated as is required. See attached 12 pages.

Remedy Requested The relief set forth in attached complaint and an investigation of said incident - that originally would have revealed Petersen's involvement and role; and administrative exhaustion.

Staff Recipient Aucoin Ann Marie CO I

Staff Involved Petersen Scott E CO II

Signature \_\_\_\_\_

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20040317 Decision Date 20040318

Signature Aucoin Ann Marie CO I

Final Decision DENIED

Decision Due to the nature of your allegations, this grievance has been forwarded to the Superintendent's Office for review.

Signature *Ann Marie Aucoin* Date 3/18/04

INMATE RECEIPT

Name SIMPSON MICHAEL J Institution MCI CEDAR JUNCTION

Commit No. W56706 Date Received 20040317

Signature. Aucoin Ann Marie CO I

RECEIVED:  
SATURDAY,  
03/20/04.

- M.J.S.

ATTACHMENT "C"

DEPARTMENT OF CORRECTION  
INSTITUTION APPEAL FORM  
FORWARD TO THE INSTITUTIONAL SUPERINTENDENT

SECTION A

NAME: MICHAEL JON SIMPSON INSTITUTION: M.O.I. - WALPOLE

NUMBER: W-56706 HOUSING UNIT: TEN BLOCK-58 DATE OF INCIDENT: 11/27/01

APPEAL: I APPEAL THE DENIAL OF GRIEVANCE No.: 04-3120,  
AS TO CONSPIRACY TO COMMIT ASSAULT AND BATTERY AND FALSIFIED  
REPORTS, COMMITTED AGAINST ME, BY SGT. SCOTT PETERSEN; SEE:  
(ATTACH ADDITIONAL PAGE IF NECESSARY) ATTACHED 12 PAGE COMPLAINT.

REMEDY  
REQUESTED: THE RELIEF SET FORTH IN MY ATTACHED COMPLAINT,  
AND THAT A MEANINGFUL AND PROPER INVESTIGATION BE CONDUCTED  
PURSUANT TO: M.G.L.C. 127B 38E et. seq. AND REQUIREMENTS OF: 103 CMA 491.10.

~~INMATE~~ SIGNATURE: Michael Jon Simpson DATE: 03/22/04

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

SECTION B

ASSIGNED GRIEVANCE NUMBER: 04-3120

ASSIGNED INSTITUTION APPEAL NUMBER: \_\_\_\_\_

DECISION RENDERED: \_\_\_\_\_ APPROVED  
\_\_\_\_\_ DENIED

SUMMARY OF FINDINGS:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUPERINTENDENT'S  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SECTION C

INMATE APPEAL RECEIPT

~~INMATE~~ NAME: MICHAEL JON SIMPSON; W-56706 TEN BLOCK  
INSTITUTION: WALPOLE

NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

RECEIPTING STAFF: \_\_\_\_\_ TITLE: \_\_\_\_\_

**SERGEANT SCOTT PETERSEN**  
**A. & B. CONSPIRACY/FALSIFIED REPORTS**

01/05/01

491 - 14

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name SIMPSON MICHAEL J Grievance# 3122 Institution MCI CEDAR JUNCTION  
Commit No. W56706 Housing TEN BLOCK Date Of Incident 20011127 Date Of Grievance 20040313  
Complaint Assault and Battery by Means of a Dangerous Weapon and mayhem, committed against me by Lt. Peter Gariepy, as set forth in attached complaint; was never adequately investigated as is required (see attached 12 page complaint).  
Remedy Requested The relief set forth in attached complaint; and an investigation of said incident - that originally would have yield Gariepy's involvement and name; and administrative exhaustion.  
Staff Recipient Aucoin Ann Marie CO I  
Staff Involved Gariepy Peter S CO I  
Signature

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20040317 Decision Date 20040318  
Signature Aucoin Ann Marie CO I  
Final Decision DENIED  
Decision Due to the nature of your allegations, this grievance has been forwarded to the Superintendent's Office for review.  
Signature Ann Marie Aucoin Date 3/18/04

INMATE RECEIPT

Name SIMPSON MICHAEL J Institution MCI CEDAR JUNCTION  
Commit No. W56706 Date Received 20040317  
Signature Aucoin Ann Marie CO I

RECEIVED:  
SATURDAY,  
03/20/04.

-M.J.S.



ATTACHMENT "C"

DEPARTMENT OF CORRECTION  
INSTITUTION APPEAL FORM  
FORWARD TO THE INSTITUTIONAL SUPERINTENDENT

SECTION A

NAME: MICHAEL JON SIMPSON INSTITUTION: M.C.I. - WALPOLE  
NUMBER: W-56706 HOUSING UNIT: TEN BLOCK-59 DATE OF INCIDENT: 11/27/01

APPEAL: I APPEAL THE DENIAL OF GRIEVANCE No.: 04-3122,  
AS TO ASSAULT AND BATTERY BY MEANS OF A DANGEROUS  
WEAPON, COMMITTED AGAINST ME, BY LT. PETER GARIEPY; SEE:  
(ATTACH ADDITIONAL PAGE IF NECESSARY) ATTACHED 12 PAGE COMPLAINT.

REMEDY  
REQUESTED: (EQUITABLE) RELIEF SET FORTH IN MY ATTACHED COMPLAINT  
AND MONETARY DAMAGES; AND A PROPER INVESTIGATION PURSUANT  
TO M.G.L.c. 127 § 38E et. seq., AND REQUIREMENTS OF 103 CMR 491.10 et. c.

~~INMATE~~ SIGNATURE: Michael Jon Simpson DATE: 03/22/04

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

SECTION B

ASSIGNED GRIEVANCE NUMBER: 04-3122

ASSIGNED INSTITUTION APPEAL NUMBER: \_\_\_\_\_

DECISION RENDERED: ☐ APPROVED  
☐ DENIED

SUMMARY OF FINDINGS:

\_\_\_\_\_  
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\_\_\_\_\_

SUPERINTENDENT'S  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SECTION C

INMATE APPEAL RECEIPT

~~INMATE~~ NAME: MICHAEL JON SIMPSON; W-56706 TEN BLOCK  
INSTITUTION: WALPOLE

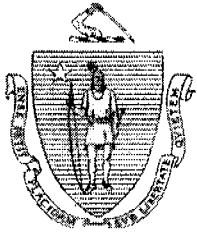
NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

RECEIPTING STAFF: \_\_\_\_\_ TITLE: \_\_\_\_\_

LIEUTENANT PETER GARIEPY  
A.+B W/D.W. AND MAYHEM.

01/05/01

491 - 14



Mitt Romney  
Governor

Kerry Healey  
Lieutenant Governor

Edward A. Flynn  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*  
*M.C.I. Cedar Junction at Walpole*  
*P.O. Box 100*  
*South Walpole, Massachusetts 02071*

Tel: (508) 660-8000 Fax: (508) 660-8009

[www.mass.gov/doc](http://www.mass.gov/doc)



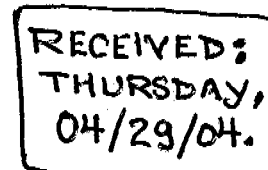
Kathleen M. Dennehy  
Commissioner

James Bender  
Acting Deputy Commissioner

David Nolan  
Superintendent

April 26, 2004

Michael Simpson W-56706  
MCI-Cedar Junction  
Ten Block



-M.J.S.

Dear Mr. Simpson:

Grievances #3120, 3121 and 3122 were referred to me due to the nature of your complaint. Within Grievance #3120, you allege that Sgt. Scott Petersen conspired to commit assault and battery and falsified reports; Within Grievance #3121 you allege mail theft by DOC staff who has been threatening and attempting to intimidate you. You further allege that this is due to a lawsuit that you filed against Officer James McParlin. Within Grievance #3122 you allege that C.O. Peter Gariepy conspired to commit assault and battery by means of a dangerous weapon.

Please be advised that all of these issues have been looked into and your allegations have been unsubstantiated.

Sincerely,

David Nolan  
Superintendent

cc. Mark Reilly, Chief of Investigations  
Ann Marie Aucoin, IGC  
File (SA04-0060)

ATTACHMENT "A"

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM  
FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

## SECTION "A"

NAME: MICHAEL JON SIMPSON INSTITUTION: M.C.1. - WALPOLE  
 NUMBER: W-56706 HOUSING UNIT: TEN BLDCK - 31 DATE OF INCIDENT: 11/27/01  
 COMPLAINT: I WAS ATTACKED AND SEVERELY BEATEN ON ABOVE DATE  
BY C.O. JAMES McPARLIN BECAUSE I REPORTED HIM TO SGT. PETERSEN  
AND U.M. DALE BISSONETTE FOR DELAYING, STEALING, OPENING AND READING  
(ATTACH ADDITIONAL PAGE IF NECESSARY) BOTH MY PERSONAL AND LEGAL MAIL.

## REMEDY

REQUESTED: THAT CRIMINAL AND CIVIL RIGHTS CHARGES/ VIOLATIONS BE  
BROUGHT AGAINST C.O. McPARLIN - AND THAT HE BE RESTRAINED  
FROM ANY AND ALL CONTACT WITH ME; AND MY PERSONAL PROPERTY/MAIL.

INMATE SIGNATURE: Michael Jon Simpson DATE: 12/10/01  
 STAFF RECIPIENT: Jammy Jyle DATE: 12/11/01  
 DATE RECEIVED: 12/11/01

## SECTION "B"

ASSIGNED GRIEVANCE NUMBER: 01-554

DECISION RENDERED: ☐ APPROVED  
☐ DENIED

## SUMMARY OF FINDINGS:

Please be advised that this grievance  
has been forwarded to the superintendent's office  
for investigation. When the investigation has  
concluded you will be notified.

IGC SIGNATURE: Jammy Jyle DATE: 12/11/01  
 (FORWARDED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

DEC 11 '01 PM 7:17 ROUN



Mitt Romney  
Governor

Kerry Healey  
Lieutenant Governor

Edward A. Flynn  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*

*M.C.I. Cedar Junction at Walpole*  
*P.O. Box 100*

*South Walpole, Massachusetts 02071*

*Tel: (617) 727-1684 Fax: (617) 727-6571*

*www.mass.gov/doc*



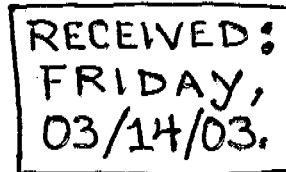
Michael T. Maloney  
Commissioner

Kathleen M. Dennehy  
Deputy Commissioner

Peter E. Allen  
Superintendent

March 13, 2003

Michael Simpson, W-56706  
MCI-Cedar Junction  
AA Unit



-M.J.S.

Dear Mr. Simpson:

I am in receipt of your correspondence dated March 10, 2003 in which you request the results of the investigation concerning allegations you made that C.O. McParlin assaulted you on November 27, 2001 (Grievance #01-554).

On November 27, 2001, a use of force was initiated in the Modular Unit due to your actions and to prevent *your* assault of C.O. McParlin. You were subsequently issued a disciplinary report for your actions. This matter was looked into and the Use of Force package was reviewed. There was no evidence to substantiate your claims and the use of force was in accordance with 103 CMR 505.

Sincerely,

Peter Allen  
Superintendent

cc. file